

REMARKS

Claims 1-62 remain pending in the application.

Claims 1-16, 20-25, 29-47, 51-56 and 60-62 over McDowell

In the Office Action dated January 12, 2006, claims 1-16, 20-25, 29-47, 51-56 and 60-62 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2001/0034224 to McDowell et al. ("McDowell"). The Applicants respectfully traverse the rejection.

Claims 1-16, 20-25 and 29-31 recite a system and method of receiving a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message at a short message service center directly from a home location register.

The Examiner alleged in the Office Action dated January 12, 2006 that claims 1-16, 20-25, 29-47, 51-56 and 60-62 recite "only that a 'message handler'; not specifically the SMSC, receives REGNOT messages directly from the HLR." (See Office Action dated January 12, 2006, pages 13 and 14). The Applicants respectfully disagree.

Claims 1-6 recite a message handler being in a short message service center, the message handler comprising a registration notification message receiver to receive a registration notification message directly from a home location register. Claims 7-12 a message handler being in a short message service center, the message handler comprising, an MSInactivity message receiver to receive an MSInactivity message directly from a home location register. Thus, the Examiner is correct in that claims 1-12 recite a message handler, however the message handler is recited as being in a short message service center. Thus, claims 1-12 **DO** recite a short message service center to directly receive a registration notification message/an MSInactivity message directly from a home location register. The Examiner has **FAILED** to address the fact that the Examiner is **MISSREADING** the claimed features in the Advisory Action dated April 18, 2006.

Claims 13-16, 20-25, 29 and 30 recite a system and method of receiving an IS-41 conforming registration notification message directly from a

home location register at a short message service center. Claim 31 recites a system and method of receiving an IS-41 conforming MSInactivity notification message **directly from a home location register at a short message service center.** Contrary to the Examiner's allegation, claims 13-16, 20-25 and 29-31 fail to recite a message handler. Moreover, contrary to the Examiner's allegation claims 13-16, 20-25 and 29-31 recite a system and method of receiving a notification message **directly from a home location register at a short message service center.**

McDowell discloses a HLR that informs a mobile event server (MES) of the event and relays the telephone number subscriber name, network location, and other data that constitutes a subscriber record at the HLR (See paragraph 0029; Fig. 1). Thus, McDowell discloses a SMS server that provides notice that wireless devices are on-line, however McDowell relies on an INTERMEDIARY device, a mobile event server, to collect event information before it is passed to a SMS server. McDowell fails to disclose or suggest receiving any type of message at a short message service center **directly from a home location register**, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 1-16, 20-25 and 29-31.

A benefit of receiving at a short message service center a message **directly from a home location register** is, e.g., elimination of an intermediate server. McDowell requires an intermediate server to collect event data and distribute such data. However, operation of a server requires a relatively expensive investment in equipment and maintenance of such newly added equipment into a wireless network. Moreover, adding a new piece of equipment to a wireless system adds complexity to the system and related maintenance issues. The Applicants claimed features overcome such deficiencies by receiving a message at a short message service center directly from a home location register, thus eliminating McDowell's intermediate server and its associated shortcomings.

The Examiner AGAIN provided a NEW basis to rejected claims 1-16, 20-25, 29-47, 51-56 and 60-62 in the Advisory Action NOT initiated by any claim amendments made by Applicants. The Examiner stated in the Advisory Action that the Applicants arguments are based on the premise that a message handler is incorporated in a SMSC is merely switching one function to another device in order to produce the same outcome. The Examiner cites In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) that allegedly detail that the switching of functions to other devices in a system does not constitute novelty.

Section 2144 of the MPEP states "The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)." Thus, Fine and Jones fail to hold that obviousness can be established by "switching one function to another device in order to produce the same outcome".

Moreover, Applicants are NOT merely claiming features that switch functions from one device to another device in order to produce the same outcome. Applicants' claimed features are directed toward modification of a SMSC to detect when a device is available for servicing, without reliance on an intermediate device like McDowell's server. As discussed herein, allowing a SMSC to detect when a device is available for servicing and elimination of an intermediate server has significant advantages, i.e., NOT the same outcome, over the cited prior art.

Moreover, the Examiner stated in the Advisory Action that the Examiner will require further search and consideration. However, Applicants have NOT made any amendments to necessitate a new search and consideration.

Claims 32-47, 51-56 and 60-62 recite a system and method of forwarding a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message from a service control point over an Internet connection to a device outside of a wireless network.

As discussed above, McDowell discloses a system and method of sharing user event information, such as presence on a network, among mobile devices and those connected to fixed IP networks such as the Internet. However, McDowell relies on an intermediary device, a mobile event server, to collect event information before it is provided to an IP network.

Thus, McDowell fails to disclose or suggest forwarding any type of message from a service control point over an Internet connection to a device outside of a wireless network, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 32-47, 51-56 and 60-62.

The Advisory Action FAILS to address that the Examiner FAILED to address ALL of the limitations of claims 32-47, 51-56 and 60-62 in the Office Action dated January 12, 2006. In particular, the Examiner alleged that McDowell ANTICIPATES claims 32-47, 51-56 and 60-62, however the Examiner has FAILED to detail where McDowell discloses EACH and EVERY recited feature. In particular, the Examiner has FAILED to even acknowledge the recited service control point, much less show WHERE McDowell discloses forwarding any type of message from a service control point (SCP is a term of art) over an Internet connection, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message from a service control point over an Internet connection to a device outside of a wireless network, as recited by claims 32-47, 51-56 and 60-62.

As discussed above, a benefit of forwarding from a service control point a message over an Internet connection to a device outside of a wireless network is, e.g., elimination of an intermediate server. McDowell requires an intermediate server to collect event data and distribute such data. However, operation of a server requires a relatively expensive investment in equipment and

maintenance of such newly added equipment into a wireless network. Moreover, adding a new piece of equipment to a wireless system adds complexity to the system and related maintenance issues. The Applicants claimed features overcome such deficiencies by relying on a service control point to forward a message over an Internet connection, thus eliminating McDowell's intermediate server and its associated shortcomings.

Accordingly, for at least all the above reasons, claims 1-16, 20-25, 29-47, 51-56 and 60-62 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 17-19, 26-28, 48-50 and 57-59 over McDowell in view of Sandegren

In the Office Action dated January 12, 2006, claims 17-19, 26-28, 48-50 and 57-59 were rejected under 35 U.S.C. §102(e) as allegedly being obvious over McDowell in view of U.S. Patent No. 6,512,930 to Sandegren ("Sandegren"). The Applicants respectfully traverse the rejection.

Claims 17-19 and 26-28 recite a system and method of receiving at a short message service center a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message directly from a home location register.

As discussed above, McDowell fails to disclose or suggest receiving any type of message at a short message service center directly from a home location register, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 17-19 and 26-28.

The Office Action dated January 12, 2006 relied on Sandegren to allegedly make up for the deficiencies in McDowell to arrive at the claimed features. The Applicants respectfully disagree.

Sandegren, similar to McDowell, relies on an intermediate server to determine when a user turns on a wireless device (See col. 3, lines 41-49). The server then notifies other users to a status of the wireless device (See Sandegren, col. 3, lines 50-66). Thus, Sandegren, like McDowell, fails to

disclose or suggest receiving any type of message at a short message service center directly from a home location register, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 17-19 and 26-28.

Claims 48-50 and 57-59 recite a system and method of forwarding a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message from a service control point over an Internet connection to a device outside of a wireless network.

As discussed above, McDowell fails to disclose or suggest forwarding any type of message from a service control point over an Internet connection to a device outside of a wireless network, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 48-50 and 57-59.

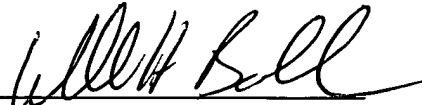
As discussed above, Sandegren relies on an intermediate server to determine when a user turns on a wireless device (See col. 3, lines 41-49). The server then notifies other users to a status of the wireless device (See Sandegren, col. 3, lines 50-66). Thus, Sandegren, like McDowell, fails disclose or suggest forwarding any type of message from a service control point over an Internet connection to a device outside of a wireless network, much less a registration notification message, an MSInactivity message and an IS-41 conforming registration notification message, as recited by claims 17-19 and 26-28.

Accordingly, for at least all the above reasons, claims 17-19, 26-28, 48-50 and 57-59 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

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